

ENDORSED
Fourth Judicial District Court
San Miguel, Mora & Guadalupe

JUN 08 2015

Deputy Clerk
KML

STATE OF NEW MEXICO
COUNTY OF SAN MIGUEL
IN THE DISTRICT COURT

IN THE MATTER OF
STATE OF NEW MEXICO,

Plaintiff,

VS.

D-412-SW-2015-1

Case # 15-123897

NAME: John Paul Vigil

DOB: [REDACTED]

SSN: [REDACTED]

ADD: [REDACTED]

Las Vegas, NM 87701

Defendant,

SEARCH WARRANT


THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO EXECUTE
THIS WARRANT:

Proof by Affidavit for Search Warrant, having been submitted to me, I am satisfied that there is probable cause that the person named or property described in the Affidavit is located where alleged in the Affidavit and I find grounds exist for the issuance of the Search Warrant. A copy of the Affidavit is attached and made a part of this Warrant.

YOU ARE HEREBY COMMANDED to search forthwith the person or place in the Affidavit between the hours of 6:00 a.m. and 10: 00 p.m., unless I have specifically authorized a nighttime search, for the person or property described in the Affidavit, serving this Warrant together with a copy of the Affidavit, and making the search and if the person or property be found there, to seize the person or the property and hold for safekeeping until further order of the Court.

You are further directed to prepare a written inventory of any person or property seized. You are further directed to file the return and written inventory with the Court promptly after its execution.

6/5/2015
Date


Judge



SMC 000381

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D-412-SW-2015-1
Case # 15-123897

AFFIDAVIT FOR SEARCH WARRANT

Affiant, being duly sworn, upon his oath, states and I have reason to believe that on the following described premises, vehicle(s) and/or person(s) of:

1. The wooden work desk and surrounding work space of John Paul Vigil, located at 3695 Hot Springs Blvd (New Mexico Behavioral Health Institute), inside El Paso Cottage, door jamb #1

In the city or county designated above there is now being concealed:

Affiant, being duly sworn, upon his oath, states that I have reason to believe that on the following described premises or person of.

Possession of a Controlled Substance

1. Controlled Substances in unknown quantities of prescription medication and other types of controlled substances listed in schedules one through five of the controlled substances act;
2. United States Currency
3. Indicia of ownership of the above described and residence, including, but not limited to, rental, purchase or lease agreements, utility bills, titles, registration documents and keys;

And the facts tending to establish the grounds for issuance of a search warrant are as follows:

On June 5th, 2015 at approximately 10:00 a.m. I was dispatched to 3695 Hot Springs Blvd. (New Mexico Behavioral Health Institute) in reference to possible larceny of narcotics. Upon my arrival on scene I made contact with Security Supervisor, Joe Chavez, who advised me that Frances Tweed had received an anonymous letter stating an NMBHI employee was stealing medication and money from patients currently being treated at NMBHI. Ms. Tweed is the executive nurse administrator for NMBHI. Ms. Tweed provided me with a copy of the anonymous letter. The letter alleged that Psych Tech Supervisor, John Vigil, had money and prescription narcotics belonging to various patients at NMBHI, locked inside of his desk. See EXHIBIT A.

Mr. Chavez, prior to my arrival, made entry into J. Vigil's office and cut the padlock on his desk. Mr. Chavez then directed me to J. Vigil's office. Inside of J. Vigil's office I observed J. Vigil's wooden work desk which was located on the south side of the office. Mr. Chavez who had previously cut the padlock on the top part of the desk's compartment, had replaced it with a lock of his own, in which only he had a key to. Mr. Chavez unlocked the lock and opened the upper compartment of J. Vigil's desk. In plain view, I observed approximately four unidentified prescription pill bottles, a small cup containing an unidentified prescription pill, and approximately four sealed "Southwest Capital Bank" money envelopes. At this point I advised Mr. Chavez to seal the desk and I left J. Vigil's Office.

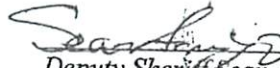
Mr. Chavez then provided me photos that he initially took when he cut the padlock to the desk. After reviewing the photos which he burned to a disk, I observed multiple sealed "Southwest Capital Bank" money envelopes along with more possible prescription medication in one of the drawers to J. Vigil's desk. See EXHIBITS B, C & D. I was advised by Ms. Tweed, the pill inside of the small container was possibly Ativan. Ms. Tweed stated she had researched the pill's descriptor's and found it to be Ativan. Upon information and belief, Ativan is a scheduled narcotic.

Upon information from BHI Director Troy Jones, Mr. Vigil has authority to assist in the distribution of medication to patients, however he does not have authority to possess the drugs.


Affiant is aware through investigation that the above listed items are possibly located inside of J. Vigil's desk and/or work space area.


Therefore, in order to ensure a complete and thorough investigation, investigators may be required to examine the entire, above-mentioned residence.

Therefore, Affiant respectfully requests that the Court issue a Warrant commanding the search the above-described premises, vehicle(s) and/or person(s).


Deputy Sheriff Sean Armijo SM-4

Subscribed and sworn to or declared and affirmed to before me in the above named
county of the State of New Mexico this 5th day of June,
2015.


Judge, Notary or Other
Officer Authorized to
Administer Oaths

 6/5/15 6:08 P.M.
Approved as to legal sufficiency